

FAX TRANSMITTAL

of pages 2

To	SUSAN ZABALI	From	Andy Hudock
Dept./Agency	EPA-MT	Phone #	202-564-6032
Fax #	406-441-1125	Fax #	
NSN 7540-01-317-7388		5095-101 GENERAL SERVICES ADMINISTRATION	

Copyright 1997 The News Tribune
News Tribune

February 23, 1997, Sunday

SECTION: Local/State; Pg. A8

LENGTH: 598 words

HEADLINE: ASARCO TRIED TO HIDE FACTS FROM PUBLIC, FILES SHOW ;
LAWSUIT RECORDS TAKE UP 47 VOLUMES, FILL BOOKCASE

BYLINE: Sandi Doughton; ^{Tacoma} The News Tribune

BODY:

The file on the Asarco class-action suit is stuffed into 47 thick volumes, filling an entire bookcase at U.S. District Court in Seattle.

The table of contents alone is 150 pages long and has 1,113 entries - each a motion, response or some other legal dance step.

Most of the file runs to dry, litigious prose. But tucked in the pages are telling excerpts from expert testimony, internal Asarco memos that hint at what the company knew about smelter pollution, and snide cat fights between the two legal camps.

Among the more tantalizing tidbits:

* In 1972, Asarco secretly took dirt from yards around the smelter and analyzed it for toxic metals. The levels were high, but company managers decided to "let the sleeping dog lie" and not "stir up a lot of bad publicity" by revealing the results.

* Asarco measured high levels of lead and arsenic in children's urine but told the company's doctor not to reveal the results to state health officials.

* The smelter occasionally burped out huge amounts of arsenic that left "snow-like" deposits on surrounding neighborhoods. The company was concerned about the "unfavorable publicity" generated when pets were poisoned.

* A 1951 memo told managers to be "diplomatically evasive" with state air-quality regulators and claim that pollution control technology was "a confidential trade secret."

* In 1970, Asarco estimated the smelter emitted 340,000 pounds of arsenic a year, a number the

SDMS Document ID



1060873

Pam -
FYI -
SZ

company didn't want the public to see. "We are extremely vulnerable to attacks by fright groups and even health authorities," a memo said.

In the early 1960s, the plant was emitting 8 to 12 tons a day of arsenic dust.

- * Asarco tried to blame some of the contamination in residents' yards on weed killers and household wood preservatives.

- * In 1978 the company opted not to appeal a citation for health violations at the smelter because it didn't want regulators to find out that more advanced pollution-control technology existed.

- * The two sides fought so bitterly over internal Asarco documents that the judge appointed a special master to deal with the issue. Asarco said the company had 90,000 linear feet of files and already had spent 2,000 hours sorting through them for the case.

Attorneys for the class said the company was trying to keep too many documents secret. At one point, 55,000 pages were in dispute.

- * Asarco poured \$ 200,000 per year - more than the company spent on any other site - into a publicity campaign in Tacoma to convince residents that their yards didn't need to be cleaned up.

The PR firm recruited a group of "friends of Asarco" sympathetic to the company and offered to drive them to public meetings to testify on Asarco's behalf.

The PR firm also compiled profiles of local news reporters and briefed company managers on how to get ready for a reporter's visit to the smelter site. Among the preparations: Remove all dead birds and any signs referring to cancer, arsenic and other "danger triggers."

- * Rust Consulting, the Minnesota firm that is processing claims from class members and distributing the money, will be paid about \$ 353,000.

- * In an odd twist, Asarco's own attorneys pointed out in one document that a federal judge "already had concluded that Asarco was environmentally irresponsible and put profit before protection of people and the environment."

Their point: The settlement wasn't a great victory because Asarco had already lost similar court battles. Their goal was to convince the judge that attorneys for the class didn't deserve a big fee award.

LOAD-DATE: February 23, 1997